

## **213.307**

acquisition threshold may be made for—

(A) *Fuel and oil.* U.S. Government fuel cards may be used in lieu of an SF 44 for fuel, oil, and authorized refueling-related items (see PGI 213.306 for procedures on use of fuel cards);

(B) Overseas transactions by contracting officers in support of a contingency operation as defined in 10 U.S.C. 101(a)(13) or a humanitarian or peace-keeping operation as defined in 10 U.S.C. 2302(8); and

(C) Transactions in support of intelligence and other specialized activities addressed by Part 2.7 of Executive Order 12333.

[64 FR 2596, Jan. 15, 1999, as amended at 71 FR 3413, Jan. 23, 2006; 72 FR 6484, Feb. 12, 2007; 76 FR 58150, Sept. 20, 2011]

### **213.307 Forms.**

See PGI 213.307 for procedures on use of forms for purchases made using simplified acquisition procedures.

[71 FR 3413, Jan. 23, 2006]

## **Subpart 213.4—Fast Payment Procedure**

### **213.402 Conditions for use.**

(a) Individual orders may exceed the simplified acquisition threshold for—

(i) Brand-name commissary resale subsistence; and

(ii) Medical supplies for direct shipment overseas.

## **Subpart 213.70—Simplified Acquisition Procedures Under the 8(a) Program**

### **213.7001 Procedures.**

For acquisitions that are otherwise appropriate to be conducted using procedures set forth in this part, and also eligible for the 8(a) Program, contracting officers may use—

(a)(1) For sole source purchase orders not exceeding the simplified acquisition threshold, the procedures in 219.804-2(2); or

(2) For other types of acquisitions, the procedures in Subpart 219.8, excluding the procedures in 219.804-2(2); or

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(b) The procedures for award to the Small Business Administration in FAR Subpart 19.8.

[64 FR 2596, Jan. 15, 1999. Redesignated at 71 FR 3413, Jan. 23, 2006]

### **213.7002 Purchase orders.**

The contracting officer need not obtain a contractor's written acceptance of a purchase order or modification of a purchase order for an acquisition under the 8(a) Program pursuant to 219.804-2(2).

[71 FR 3413, Jan. 23, 2006]

## **PART 214—SEALED BIDDING**

### **Subpart 214.2—Solicitation of Bids**

Sec.

214.202 General rules for solicitation of bids.

214.202-5 Descriptive literature.

### **Subpart 214.4—Opening of Bids and Award of Contract**

214.404 Rejection of bids.

214.404-1 Cancellation of invitations after opening.

214.407 Mistakes in bids.

214.407-3 Other mistakes disclosed before award.

AUTHORITY: 41 U.S.C. 421 and 48 CFR chapter 1.

SOURCE: 56 FR 36326, July 31, 1991, unless otherwise noted.

### **Subpart 214.2—Solicitation of Bids**

214.202 General rules for solicitation of bids.

214.202-5 Descriptive literature.

(c) *Requirements of invitation for bids.* When brand name or equal purchase descriptions are used, use of the provision at FAR 52.211-6, Brand Name or Equal, satisfies this requirement.

[56 FR 36326, July 31, 1991, as amended at 63 FR 11528, Mar. 9, 1998; 64 FR 55633, Oct. 14, 1999; 69 FR 65090, Nov. 10, 2004]

## Subpart 214.4—Opening of Bids and Award of Contract

### 214.404 Rejection of bids.

#### 214.404-1 Cancellation of invitations after opening.

The contracting officer shall make the written determinations required by FAR 14.404-1 (c) and (e).

### 214.407 Mistakes in bids.

#### 214.407-3 Other mistakes disclosed before award.

(e) Authority for making a determination under FAR 14.407-3(a), (b) and (d) is delegated for the defense agencies, without power of redelegation, as follows:

(i) Defense Advanced Research Projects Agency: General Counsel, DARPA.

(ii) Defense Information Systems Agency: General Counsel, DISA.

(iii) Defense Intelligence Agency: Principal Assistant for Acquisition.

(iv) Defense Logistics Agency:  
(A) General Counsel, DLA; and  
(B) Associate General Counsel, DLA.

(v) National Geospatial-Intelligence Agency: General Counsel, NGA.

(vi) Defense Threat Reduction Agency: General Counsel, DTRA.

(vii) National Security Agency: Director of Procurement, NSA.

(viii) Missile Defense Agency: General Counsel, MDA.

(ix) Defense Contract Management Agency: General Counsel, DCMA.

[57 FR 42629, Sept. 15, 1992, as amended at 59 FR 27669, May 27, 1994; 61 FR 50452, Sept. 26, 1996. Redesignated and amended at 62 FR 34122, June 24, 1997; 64 FR 51076, Sept. 21, 1999; 68 FR 7439, Feb. 14, 2003; 69 FR 65090, Nov. 10, 2004; 74 FR 42780, Aug. 25, 2009]

## PART 215—CONTRACTING BY NEGOTIATION

### Subpart 215.2—Solicitation and Receipt of Proposals and Information.

Sec.

215.203-70 Requests for proposals—tiered evaluation of offers.

215.209 Solicitation provisions and contract clauses.

215.270 Peer Reviews.

### Subpart 215.3—Source Selection

215.300 Scope of subpart.

215.303 Responsibilities.

215.304 Evaluation factors and significant subfactors.

215.305 Proposal evaluation.

215.306 Exchanges with offerors after receipt of proposals.

215.370 Evaluation factor for employing or subcontracting with members of the Selected Reserve.

215.370-1 Definition.

215.370-2 Evaluation factor.

215.370-3 Solicitation provision and contract clause.

### Subpart 215.4—Contract Pricing

215.402 Pricing policy.

215.403 Obtaining cost or pricing data.

215.403-1 Prohibition on obtaining cost or pricing data (10 U.S.C. 2306a and 41 U.S.C. chapter 35).

215.403-3 Requiring information other than cost or pricing data.

215.404 Proposal analysis.

215.404-1 Proposal analysis techniques.

215.404-2 Information to support proposal analysis.

215.404-3 Subcontract pricing considerations.

215.404-4 Profit.

215.404-70 DD Form 1547, Record of Weighted Guidelines Method Application.

215.404-71 Weighted guidelines method.

215.404-71-1 General.

215.404-71-2 Performance risk.

215.404-71-3 Contract type risk and working capital adjustment.

215.404-71-4 Facilities capital employed.

215.404-71-5 Cost efficiency factor.

215.404-72 Modified weighted guidelines method for nonprofit organizations other than FFRDCs.

215.404-73 Alternate structure approaches.

215.404-74 Fee requirements for cost-plus-award-fee contracts.

215.404-75 Fee requirements for FFRDCs.

215.404-76 Reporting profit and fee statistics.

215.406-1 Prenegotiation objectives.

215.406-3 Documenting the negotiation.

215.407-2 Make-or-buy programs.

215.407-3 Forward pricing rate agreements.

215.407-4 Should-cost review.

215.407-5 Estimating systems.

215.407-5-70 Disclosure, maintenance, and review requirements.

215.408 Solicitation provisions and contract clauses.

215.470 Estimated data prices.

AUTHORITY: 41 U.S.C. 421 and 48 CFR Chapter 1.

SOURCE: 63 FR 55040, Oct. 14, 1998, unless otherwise noted.